

REMARKS

Claims 2, 11-18, 20-22, 25 and 26 are pending in this application. None have been allowed.

In paragraph 4 of the latest Office Action, the Examiner rejects claims 25-26 under 35 USC 112, first paragraph as lacking enablement in regards to guidance or examples of tested compounds and treatment of diseases.

Applicants direct the Examiner's attention to the disclosure at pages 25 to 28 where assays demonstrating biological activity is provided. In particular, pages 25-27 discloses TNF- α and LTB₄ assay data (conducted on claimed compounds e.g., examples 1, 2, 5, 17, 26, etc.) shows that the PDE₄ inhibitors of the present invention inhibit TNF- α and LTB₄, which are markers for cAMP activity. PDE₄ inhibitors have been long suspected as a cAMP modulator and thus believed to play a role in allergic and/or inflammatory responses. Additionally, anti-allergic biological activity data regarding pulmonary inflammation is provided on pages 27-28 (see page 28 examples 1, 2, 5, 17, 26, etc.). Moreover, references (enclosed herein) such as Rose et al., (2005)-*Phosphodiesterase Inhibitors for Cognitive Enhance*; Rabe et al., (2005)-*Roflumilast-an oral anti-inflammatory treatment for chronic obstructive pulmonary disease...*; Houslay, et al., (2005)-*Phosphodiesterase-4 as a Therapeutic Target*; and Compton et al., (2001)-*Cilomilast, a selective phosphodiesterase-4 inhibitor for treatmentchronic obstructive pulmonary disease..* all discuss the links between inhibition of PDE₄ and the treatment of a number of conditions listed in Claim 25. One of ordinary skill in the art considering the specification as a whole, data disclosed on pages 25-28 of the specification and numerous references such as those mentioned above would have no problem practicing the invention as currently claimed. Thus, Applicants respectfully submit that the disclosure at pages 25 through 28 satisfies 35 USC 112.

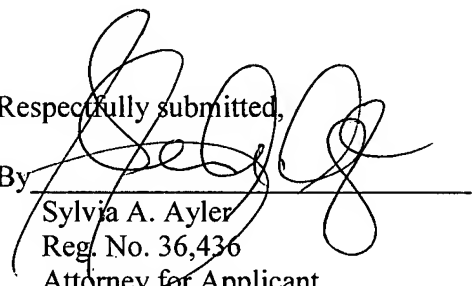
In paragraph 5, the Examiner Rejects claims 25-26 under 35 USC 112, first paragraph for preventing diseases because Claim 25 contains the word "prophylactically". By this amendment the word "prophylactically" has been deleted.

At paragraph 6 of the Office Action, the Examiner rejects claims 2, 11-18, 20-22 and 25-26 under the judicially created doctrine of obviousness-type double patenting over US 6,677,351. Applicants respectfully submit that one of ordinary skill in the art would not expect the instantly claimed invention particularly when one considers that the esters of US 6,677,351 are directly linked to aromatic rings with no spacer between them. The claimed compounds are focused mainly on aliphatic carboxylic acids, thus making them a different class from those of US 6,677,351.

As a result of the amendments and remarks, Applicants believe the examiners concerns have been met and overcome. The examiner is therefore respectfully requested to remove the objections and rejections. The Examiner is invited to contact the undersigned attorney at the telephone number provided below, if such would advance the prosecution of this application.

Respectfully submitted,

By



Sylvia A. Ayler
Reg. No. 36,436
Attorney for Applicant

Date: July 24, 2007

MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-4909